Mrs. Masham's fancy ball as Cinderella's ugly sisters, wearing false noses on that occasion, Miss Sharpe commends their plan as most excellent, but adds: "But why false noses?" The artist's satire will not be called exaggerated by any one who has noted the unfeeling, spiteful onslaughts with which most women diversify their intercourse with one another.

But it is when fair woman goes a-shopping that she becomes least admirable. Then her hand is raised against every woman who crosses her path. From the moment she pushes open the swinging doors of the first retail shop she enters, and lets them fly back into the face of the woman behind her, till she reaches her home again, she has laid herself open at every turn to the charge of bad manners. She has in her progress made tired clerks spend hours in taking down goods simply for her amusement, when she has not the smallest intention of purchasing from them She has made audible comments upon "the stupidity and slowness of these shop girls." She has swept off from loaded shop counters with her draperies more than one easily-damaged article, which she has scorned to pick up and replace. She has jostled against other women and met their indignant looks with a stony, not to say insolent, stare. She has needlessly blocked the way when others wished to pass her. She has carried her closed umbrella or sunshade at an angle that was a perpetual menace to any woman who came near her. She has put up her glass and stared haughtily through it at the gown of the woman next her at the bargain-counter. In her shrill, penetrating voice, she has discussed in the most public places gossip reflecting more or less injuriously upon other people. She has, in short, done very little that she should have done, and very, very much that she ought not to have done; yet she returns from it all with a serener conscience than a mediæval saint coming home to the convent after a day particularly well filled with meritorious deeds. She will tell you complacently that a man can never learn to shop like a woman. And man can never be too thankful for his inability in this particular direction.

It is needless labor to recount in detail instances of woman's rudeness to her fellow-woman. They can be supplied from the reader's own experience in numbers great enough to justify the truth of the assertions made in this paper, and I have no desire to dwell at length on the subject.

I do not mean to declare in broad terms that man is mannerly while woman is not, for I observe with regret in many of my own sex an indifference to the rudimentary courtesies which is fatal to their reputation for good manners, and I recognize in many women a watchfulness for the rights of others, a gentleness in the assertion of their own, that deserve a respect little short of veneration. What I do insist upon, however, is this: that in public the average woman shows an inconsiderateness, a disregard for the ordinary courtesies of existence (which amounts sometimes to positive insolence), to a degree which is not anywhere nearly approached by the average man.

The reason for this difference in the behavior of men and women I do not propose here to discuss. I will not say, for instance, that man is altruistic and that woman is selfish, because I do not believe in any such putting of the case. But I leave for others the task of pointing out the causes of this difference between men and women, and indicating, if they will, the remedy for the present state of affairs, and content myself in this article with a brief presentation of the subject, in the hope that its healthy discussion may induce a reform in the public manners of our sister-woman.

OSCAR FAY ADAMS.

IV.

CHILD-SAVING LEGISLATION.

ONE of the most interesting phases of social advancement in this country in recent years is the legislation for the protection of children. Such legislation has two aspects. Its first purpose is the amelioration of the conditions of child life among the pauper and criminal class, the protection of children from all forms of cruelty and misuse, from motives of humanity. All statutes prohibiting the employment of children under twelve years of age, or in severe or dangerous vocations, as rope-walkers, acrobats, gymnasts, circus-riders, or for indecent exhibitions, or for

begging or playing musical instruments upon the streets, dancing or acting in theatres, or the overworking of them in factories, or the infliction of extreme punishments, have this purpose.

The second and ultimate object is the protection and preservation of society. That pauperism and crime are the result of heredity and association is no longer doubted. To cope effectually with these evils we must begin at the source. The power of the State must be interposed, and the children taken away from parents or guardians who do not properly care for and educate them, or who keep them in surroundings which degrade them.

It is a vulgar supposition that the parent has some natural property in his children; that children "belong to their parents." Such is not the legal status of the infant. From the time of its birth the infant is a subject of the State, having an individuality separate from its parents, with distinct rights of person and property, with separate obligations to and claims upon the sovereign. The only right of the parent recognized by the law is one of guardianship. The right of custody and control of their children comes to the parents, however, not by the course of nature, not by birth or blood, but is derived from the State, and must be exercised under the authority and supervision of the State.

In all the States the custody and control of children is fixed by statute. This power of custody and control so delegated by the State cannot be transferred or delegated without the consent of the State through its proper courts. A parent cannot give away his child or confer upon another any legal right to its custody or control.

From time immemorial the king in his court of chancery has been the protector of the persons and estates of all the infants in the kingdom, and this power has been conferred upon courts of chancery which sit as the representatives of the sovereign. The jurisdiction is founded in the prerogative of the crown and in its general power and duty, as *parens patriæ*, to protect those who have no other lawful protector. Accordingly, courts of chancery have exercised the jurisdiction to take the custody of children away from parents, or from one parent to give it to the other, and, without regard to the parental rights, but looking only to the welfare of the child, to place it where it will receive good care, education, and moral training. Parents are intrusted with the custody of the persons and the education of their children upon the natural presumption that the children will be properly taken care of and brought up with a due education in literature, morals, and religion, and that they will be treated with kindness and affection. But whenever this presumption is removed, and it is found that a father is guilty of gross ill-treatment or cruelty toward his infant children, or that his domestic associations are such as tend to the corruption and contamination of his children, the court of chancery will interfere, and deprive him of their custody and appoint a suitable person to act as guardian, care for them, and superintend their education.

On a first impression this jurisdiction of courts of chancery would seem to be a sufficient shield and refuge for children, but although this power of courts of chancery has existed in every State, and the facts upon which it might have been justly exercised have existed in numberless cases, yet the jurisdiction has not been invoked.

Practically there are two points of failure. First, there is no officer, person, or body charged specifically with the duty of investigating and prosecuting the cases. Secondly, as such children have no estates out of which they may be maintained and educated, the court cannot find a guardian who will undertake the task at his own charge. Experience in such cases shows that it is difficult to induce neighbors to prosecute. The fear of revenge, the reluctance to attend court, a common belief that a child "belongs" to a parent, who has a right to do as he pleases with it, and sympathy for a mother deprived of her child, however depraved she may be, are prevailing motives which hinder the prosecution of such cases, and unless there is some person specially interested in pushing them, nothing will be done. The number of persons who will not only give the time and incur the annoyances, but also undertake a liability for court costs, pay counsel fee, and find a suitable person to act as guardian and maintain the child or children in such cases, is exceedingly small.

The States of Michigan and Indiana are experimenting with statutes passed at recent sessions of their respective legislatures. The Indiana statute creates a board of six persons, three men and three women, appointed by the circuit court of the county, serving without pay, called "The Board of Children's Guardians." This board has the power to take under its control children under fifteen years of age who are abandoned, neglected, or cruelly treated by their parents; children begging on the streets; children of habitually-drunken or vicious and unfit parents; children kept in vicious or immoral associations; children known by their language and life to be vicious or incorrigible; juvenile delinquents and truants. It provides a temporary home, where such children may be maintained and educated. Under order of the court such children may be indentured as apprentices, or be adopted without the consent of the parents, by the consent of the board, filed in the circuit court; or such children may be in any manner disposed of as the circuit court shall direct.

This board files a petition in the circuit court setting forth the facts, and the court issues a writ for the custody of the child, which is served upon the parent or person having actual custody of the child, or, if the child is under no actual custody, then upon the child itself; and upon this writ the board takes and keeps the child at the temporary home of the board until the final order of the court upon such petition. The parent, or person having custody of the child, has the right to call witnesses and be heard as to his or her right, fitness, and ability to care for and educate such child. If the statutory causes exist, the court orders that the child be committed to the custody of the board. The county pays twenty-five cents per day for each child in the care of the board, the remainder of the expense being made up by private contributions. The first board appointed under this new law for the city of Indianapolis organized for business April 6, 1889. The following is a statement of the work of the board up to November 30, 1889 :

Number of complaints investigated by board			87
" children involved			166
" cases filed in circuit court			50
" " won by board	21		
" " lost "	12		
" " settled by agreement upon a proper guardian	6		
" " where parents have fled from the jurisdiction taking children	6		
" " filed but not yet tried	5		
		—	50
" children involved in cases filed			87
" " placed in board's care	34		
" " discharged	24		
" " placed with proper guardians by agreement	11		
" " fled from jurisdiction	9		
" " not yet finally disposed of	9		
		—	87
" " committed to board			34
" " sent to homes	9		
" " at Children's Home	14		
" " at orphan asylums	4		
" " at House of Good Shepherd (reformatory)	3		
" " died	2		
" " adopted	2		
		—	34
Amount expended by board			$992.01

Owing to the delays caused by want of funds and other causes, this board had not had more than five months of effective work. It proposes to find homes for the children as rapidly as possible, and not to keep them longer than absolutely necessary in the receiving institution.

From what has been said it will be perceived that the Indiana statute was drawn with direct reference to the chancery jurisdiction, the principal aim being to provide a body charged with the duty of prosecuting the cases, and also to supply a body to act as guardians and custodians of such children.

The Michigan statute was drawn from a project for a law upon this subject, which was pending before the French Chamber of Deputies, and from an extensive

report on the subject by Senator Roussel. Every child under sixteen years of age who is ill treated by parent or guardian may be removed from such parent or guardian. An ill-treated child is declared to be one who is permitted to engage in public exhibitions as a gymnast, acrobat, or rider, in begging or in any occupation injurious to health or dangerous to life, or for any indecent, obscene, or immoral purpose, or to be in any dance-house, saloon, or variety theatre, or to engage in the sale of obscene books or papers or police reports; one whose parents or guardians permit the health of such child to be injured or endangered by exposure, want, or injury to his person, or permit him to engage in any occupation that will endanger his health or life or deprave his morals; one whose parents or guardians are habitual drunkards, prostitutes, thieves, or beggars. A sworn complaint must be filed before the probate judge, who issues a writ for the custody of the child. A hearing is had, and a jury of six may be demanded by the accused to find the facts. Upon a finding against the parent or guardian, the judge may appoint a suitable guardian for the child, who shall have the custody of it, or commit the child to the State School or deliver it to the superintendent of the poor, if it is over two and under twelve years of age, or not sound in mind or body, to be indentured to some suitable person or provided for by the county like other poor persons.

This act lacks one of the essentials referred to above—namely, the duty of executing it is not placed upon a particular person. Most of the powers, if not all of them, resided in the courts of Michigan before the passage of the act, but they were never invoked. It may be that, with the attention of the people drawn to the matter by the discussion and passage of the statute, some cases will be prosecuted and some good be done; but observation convinces me that thorough, effective work will be accomplished only by charging somebody with that special duty. The right to trial by jury is entirely superfluous, and will prove a hindrance to the effective administration of the statute. Such cases belong to the equitable jurisdiction. They are intrusted to the conscience and wisdom of the chancellor. They require the intelligence, wisdom, and firmness of a chancellor, and not the ignorant sympathy or prejudice of a petit juror.

Both these statutes lack a provision to compel the delinquent parents to contribute to the support of the child taken from them. How to make such a measure enforceable, unless the parents have property, is a difficult problem yet to be solved.

In Massachusetts a statute enacted in 1882 provides that selectmen of towns of 5,000 inhabitants shall appoint persons to make complaint concerning children under sixteen years of age who, by reason of the neglect, criminal conduct, drunkenness, or other vices of parents, or from orphanage, are without parental control and education and liable to lead idle and dissolute lives. A judge of a superior court or of a police, district, or municipal court, or a trial justice, may order such a child to an institution to be provided by the town, or the child may be committed to the custody of the Massachusetts Society for the Prevention of Cruelty to Children. If the parents reform, such child may be returned to them.

A statute enacted by the State of New York in 1886 confers upon societies for the prevention of cruelty to children the right to prosecute delinquent parents and to become guardians of children. Such societies are, however, voluntary corporations. Their number and efficiency in the city of New York is peculiar to that place, and there is, perhaps, no other city in this country where the same work could be so effectively carried on by voluntary private effort. The value of their work can be appreciated somewhat from the showing that, although the population has more than doubled in the last twelve years, and the number of arrests increased 8½ per cent., the number of children arrested for petty larcenies decreased from over 1,000 to about 300 a year, and about the same rate of decrease is observable in the arrests for juvenile delinquencies.

Other States are studying these laws and observing their operation, with a view to adopting similar statutes. It is along these lines that the best preventive of pauperism and crime will finally be worked out.

CHARLES MARTINDALE.